

FORTY-SECOND DAY
(Wednesday, April 12, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, McFarland, Montford, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Lyon, Parker.

A quorum was announced present.

The Reverend Ed Wright, Hillcrest Baptist Church, Austin, offered the invocation as follows:

Heavenly Father, I pray for these men and women today. I pray that You would lead them in the paths of justice and equality for all people. I pray that You would guide them in the course of wisdom, a wisdom to discern the direction that our government needs to pursue, to insure our security and our well-being. I pray that You would escort them through the difficult decisions to secure the perfect balance between the laws to be enacted, the responsibility for moral leadership, and the freedom of human pursuits. And lastly, Father, I pray for their families. I pray that You would protect their families, watch over them, and help them while these Senators sacrifice precious time with them to serve our State. In the name of Jesus, I pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Parker was granted leave of absence for today on account of death in family on motion of Senator Brooks.

Senator Lyon was granted leave of absence for today on account of important business on motion of Senator Brooks.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

H.C.R. 177
S.C.R. 102
S.B. 436
S.B. 505
S.B. 590
S.B. 609

REPORTS OF STANDING COMMITTEES

Senator Johnson, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

H.C.R. 114

Senator Truan, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

S.B. 1504
S.B. 1505

Senator Brooks submitted the following report for the Committee on Health and Human Services:

S.B. 1102
S.B. 1524

Senator Johnson, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

S.B. 1339

Senator Brooks submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 1103
C.S.S.B. 1015
C.S.S.B. 1345
C.S.S.B. 983

Senator Parmer submitted the following report for the Committee on Intergovernmental Relations:

S.B. 652
S.B. 1528
H.B. 406
S.B. 1340
S.B. 1172
S.B. 1537
S.B. 1021
C.S.S.B. 1606
C.S.S.B. 1318

Senator Montford submitted the following report for the Committee on State Affairs:

C.S.S.B. 752

Senator Henderson, Vice-Chairman, submitted the following report for the Committee on Jurisprudence:

S.B. 1599
S.B. 1076
C.S.S.B. 843

Senator Barrientos, Acting Chairman, submitted the following report for the Committee on Education:

S.B. 1510

Senator Brooks, Acting Chairman, submitted the following report for the Committee on Education:

S.B. 565
S.B. 865 (Amended)
C.S.S.B. 1049
C.S.S.B. 1531

C.S.S.B. 798
C.S.S.B. 667
C.S.S.C.R. 42

Senator Edwards submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and report them back to the Senate for final consideration.

To be Members of the STATE HIGHWAY AND PUBLIC TRANSPORTATION COMMISSION: Wayne B. Duddleston, Harris County; John R. Butler, Jr., Harris County.

To be a Member of the BOARD OF REGENTS, LAMAR UNIVERSITY SYSTEM: Ted E. Moor, Jr., Jefferson County.

To be Members of the FINANCE COMMISSION OF TEXAS: Lewis E. Bracy, Jr., Uvalde County; Leonard B. Rosenberg, Harris County; Charles S. Teeple IV, Travis County; Bernard Budd Unell, McLennan County.

To be a Member of the STATE PURCHASING AND GENERAL SERVICES COMMISSION: Robert E. Davis, Dallas County.

To be Members of the TEXAS SURPLUS PROPERTY AGENCY: Emmett H. Allen, Tarrant County; Robert Caskey, Blanco County; M. F. "Red" Connor, Hidalgo County; Pat Legan, Bexar County; Mrs. Molly Ann Mullican Pryor, Harris County.

To be Members of the TEXAS BOARD OF LICENSURE FOR NURSING HOME ADMINISTRATORS: Dr. Rogelio Menendez Borrell, Harris County; Ms. Cindy Russell Brockwell, Kendall County; Donnie Hugh Hagan, McLennan County; W. Edward McLendon, Dallas County; Herman Daniel Sabrsula, Harris County.

To be Members of the BOARD OF TRUSTEES, TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM: Judge Fred R. Clark, Comal County; Bill D. Hicks, Ector County; Durward O. Wright, Midland County.

To be a Member of the BOARD OF TRUSTEES, MUNICIPAL RETIREMENT SYSTEM: Mrs. Rita Harmon, Lubbock County.

To be Members of the BOARD OF TRUSTEES, FIRE FIGHTERS' RELIEF AND RETIREMENT FUND: Benny Paul Kennedy, Andrews County; Allen Ray Russell, Dallas County.

To be the FIREMEN'S PENSION COMMISSIONER: Ms. Helen L. Campbell, Travis County.

To be a Member of the STATE DEPOSITORY BOARD: Robert Lee Monaghan, Midland County.

To be JUDGE OF THE 30TH DISTRICT COURT, WICHITA COUNTY: Robert P. Brotherton, Wichita County.

To be Members of the TEXAS YOUTH COMMISSION: Comer Joseph Cottrell, Dallas County; Kenn S. George, Dallas County.

To be a Member of the STATE PRESERVATION BOARD: Ms. Dealy Herndon, Travis County.

To be a Member of the BOARD OF REGENTS, EAST TEXAS STATE UNIVERSITY: William Mahomes, Jr., Dallas County.

To be a Member of the FAMILY PRACTICE RESIDENCY ADVISORY COMMITTEE: Dr. Jack L. Eidson, Parker County.

To be a Member of the BOARD OF REGENTS, UNIVERSITY OF NORTH TEXAS: J. S. Farrington, Dallas County.

To be a Member of the BOARD OF DIRECTORS, TEXAS HOUSING AGENCY: Rogers Pope, Gregg County.

To be a Member of the JUDICIAL DISTRICTS BOARD: Leonard E. Davis, Smith County.

To be a Member of the INTERAGENCY COUNCIL ON SEX OFFENDER TREATMENT: Ms. Norma W. Reed, El Paso County.

To be Members of the TEXAS COMMISSION FOR THE BLIND: Mrs. Ann Masterson, Harris County; Mrs. Leahray Smith Wroten, Collin County.

To be a Member of the TEXAS OPTOMETRY BOARD: Dr. Barry J. Davis, Jefferson County.

To be a Member of the STATE PURCHASING AND GENERAL SERVICES COMMISSION: Robert E. Davis, Dallas County.

To be a Member of the MOTOR VEHICLE COMMISSION: William W. Collins, Jr., Tarrant County.

To be a Member of the PRODUCE RECOVERY FUND BOARD: Steven L. Weltman, Fort Bend County.

To be a Member of the ADVISORY COUNCIL FOR TECHNICAL-VOCATIONAL EDUCATION: Mrs. Helen Soto Knaggs, Travis County.

To be a Member of the TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS: Ms. Lisa Saemann, Dallas County.

To be a Member of the TEXAS STATE BOARD OF IRRIGATORS: J. Carl Causey, Parker County.

To be a Member of the ADVISORY COUNCIL ON COMMUNITY AFFAIRS: Commissioner Barbara Sinclair, Rockwall County.

To be a Member of the STATE PROPERTY TAX BOARD: Marvin L. Jones, Hutchinson County.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 204, To Committee on Economic Development.

H.B. 1474, To Committee on Intergovernmental Relations.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Zaffirini and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

- S.R. 418** by Zaffirini Administration
Establishing a 12-member task force to study the demand for higher education services in areas of the State not currently served by higher education institutions.
- S.C.R. 113** by Brooks Education
Recognizing the essential role that higher education and the University of Houston-Clear Lake play in support of the region's aerospace economy.
- S.C.R. 115** by Krier Administration
Requesting the Lieutenant Governor and Speaker of the House to create a special joint interim committee to study State agency allocation of funding and services.
- S.B. 1670** by Barrientos Health and Human Services
Relating to a county's participation in the siting of a municipal solid waste management facility.
- S.B. 1671** by Barrientos Health and Human Services
Relating to the siting of new Type I municipal solid waste sites or operations within 1,000 feet of an established residence, church, school, dedicated public park, or cemetery, or within 1,000 feet of a public highway.
- S.B. 1672** by Zaffirini Health and Human Services
Relating to the creation, administration, powers, duties, operation, and financing of the Frio Hospital District; authorizing the tax; granting the authority to issue bonds; and granting the power of eminent domain.
- S.B. 1673** by Zaffirini Natural Resources
Relating to the date and time of regular meetings of water control and improvement districts.
- S.B. 1674** by Zaffirini, Barrientos Health and Human Services
Relating to the regulation of facilities that treat chemically dependent persons.
- S.B. 1675** by Zaffirini Natural Resources
Relating to the creation, administration, powers, duties, operation, and financing of the Live Oak County Underground Water Conservation District.
- S.B. 1676** by Zaffirini Health and Human Services
Relating to consent for immunization of minors.
- S.B. 1677** by Zaffirini Criminal Justice
Relating to the creation of offenses for delivery, sale, or manufacture of inhalant paraphernalia used with volatile chemicals, abusable glues, or aerosol paints and to the monitoring and enforcing of regulations relating to volatile chemicals, abusable glues, and aerosol paints.
- S.B. 1678** by Brooks, Bivins, Truan Health and Human Services
Relating to the Texas Medicaid program regarding optional maternal and child health services; to the creation of the Maternal and Child Health Committee; and to authority for use of local funds in the Medicaid program.
- S.B. 1679** by Brooks Health and Human Services
Relating to the care and treatment of persons with intractable pain by the use of dangerous drugs or controlled substances; providing a penalty.
- S.B. 1680** by Brooks Natural Resources
Relating to the transfer of administration of beach cleaning funds from the Parks and Wildlife Department to the General Land Office.

S.B. 1681 by Green Intergovernmental Relations
Relating to certification and certification pay for full-time sheriff's deputies.

S.B. 1682 by Edwards Intergovernmental Relations
Relating to the exchange of park property owned by certain municipalities.

S.B. 1683 by Edwards Economic Development
Relating to the licensing and regulation of electricians and electrical contractors; providing a criminal penalty.

S.B. 1684 by Montford State Affairs
Relating to tampering with a governmental record.

S.B. 1685 by Montford State Affairs
Relating to the misapplication of property by persons engaged in the business of insurance and the venue for criminal prosecution of persons engaged in the business of insurance; providing criminal penalties.

CO-AUTHOR OF SENATE BILL 780

On motion of Senator Harris and by unanimous consent, Senator McFarland will be shown as Co-author of S.B. 780.

PRIVILEGES OF THE FLOOR GRANTED

On motion of Senator Caperton and by unanimous consent, privileges of the floor were granted for today to staff members of the Legislative Budget Board and the Senate Finance Committee.

MESSAGE FROM THE HOUSE

House Chamber
April 12, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 25, Relating to the issuance of a fishing license.

H.B. 162, Relating to eligibility of certain persons for coverage under certain health care coverage.

H.B. 164, Relating to the probation of a term of suspension of a driver's license, permit or privilege or a term of denial of the issuance of a license or permit.

H.B. 347, Relating to jury service.

H.B. 361, Relating to weight, length, height and width limitations for vehicles used to transport seed cotton modules, cotton or equipment used in transporting or processing of cotton.

H.B. 369, Relating to creation and operation of the Texas exporters loan fund.

H.B. 413, Relating to the number of voters who must sign a petition for the incorporation of certain general-law municipalities.

H.B. 460, Relating to the practice of barbering and to the regulation of certain persons by the State Board of Barber Examiners.

H.B. 1213, Relating to the regulation of securities and fees and penalties related to regulation.

H.B. 1332, Relating to the issuance, amendment and renewal of waste discharge permits by the Texas Water Commission.

S.C.R. 104, Congratulating the Federal Republic of Germany.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

GUEST PRESENTED

Senator Armbrister was recognized and presented Dr. David H. Watson of Yoakum.

Dr. Watson, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

SENATE RESOLUTION 410

Senator Truan offered the following resolution:

WHEREAS, April 12, 1989, is Texas A&I Day; and

WHEREAS, Texas A&I University, founded in 1925, is the oldest and most comprehensive university in South Texas, with an enrollment of 5,700 students at the undergraduate and graduate levels and a faculty and staff of 650; and

WHEREAS, Texas A&I University has six colleges, including the only engineering school in South Texas and a large college of arts and sciences, as well as outstanding schools of agriculture, business administration, and education; this fine institution offers the only doctoral degree program in South Texas; and

WHEREAS, Texas A&I University has such unique institutional resources as the Caesar Kleberg Wildlife Research Institute, the John E. Conner Museum, the Kleberg Hall of Natural History, and the Citrus Center; and

WHEREAS, Texas A&I University, the anchor university of South Texas, has for the past 64 years provided outstanding educational opportunity for the culturally diverse population of the entire region which it serves, sending several of its distinguished sons and daughters to the Texas Legislature; now, therefore, be it

RESOLVED by the Senate of the State of Texas, 71st Legislature, That Texas A&I University in Kingsville, Texas, be commended for its exemplary contributions to the entire state in the field of higher education; and, be it further

RESOLVED, That the Senate of the State of Texas hereby salute the faculty, staff, student body, and alumni on Texas A&I Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Texas A&I University as an expression of best wishes from the Texas Senate.

The resolution was read.

On motion of Senator Zaffirini and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan, the resolution was adopted viva voce vote.

GUESTS PRESENTED

Senator Truan introduced a large delegation of guests from Kingsville and Texas A&I University.

The Senate welcomed these guests as Senator Truan escorted the following guests to the President's Rostrum: The Honorable Mirian Lemens, Mayor of Kingsville; Dr. Steve Altman, President, Texas A&I University; Gene Jones,

President, Kingsville Chamber of Commerce, and Gilbert Acuna, Member of the University System of South Texas.

The President presented an enrolled copy of **S.R. 410** to these guests.

SENATE RESOLUTION 420

Senator Haley offered the following resolution:

S.R. 420, Extending congratulations to members of the Texas Forestry Association on the celebration of its Diamond Jubilee Anniversary.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Senator Haley introduced members of the Texas Forestry Association and escorted Bob Curry, president of that association, to the President's Rostrum.

The Senate welcomed these guests and the President presented an enrolled copy of **S.R. 420** to Mr. Curry.

SENATE RESOLUTION 422

Senator Johnson offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to honor Ron J. Anderson, M.D., for his extraordinary contributions to health care in Texas and the entire country; and

WHEREAS, In his function as President and Chief Executive Officer of Parkland Memorial Hospital in Dallas, Dr. Anderson has directed impressive strides in health care services for all residents of Dallas County; and

WHEREAS, While chairman and member of the Texas Board of Health, he served on the executive committee of the Task Force on Indigent Health Care and influenced the passage of crucial legislation concerning indigent health care in Texas; and

WHEREAS, Committed to the delivery of quality health care to people in all walks of life, Dr. Anderson has passionately sought to lead, teach, and perform his convictions; and

WHEREAS, Raised in modest circumstances, he has not forgotten his roots nor lost his compassion for those who suffer; he is a country boy at heart who has enormous drive to help anyone in need; and

WHEREAS, A faithful Christian supported by his wife, Sue Ann, and their three children, he works tirelessly to live his beliefs; and

WHEREAS, Strong-willed, outspoken, and courageous, Dr. Anderson exhibits genuine concern for the patient as an individual of value; and

WHEREAS, A physician of great talent and dedication, he has had a major impact on Dallas, Texas, and the United States of America; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby pay tribute to the life of service of Dr. Ron J. Anderson; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of highest esteem and appreciation from the Texas Senate.

The resolution was read.

On motion of Senator Barrientos and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Johnson, the resolution was adopted viva voce vote.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
April 12, 1989

TO THE SENATE OF THE SEVENTY-FIRST LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE TEXAS FUNERAL SERVICE COMMISSION,
FOR A TERM TO EXPIRE JANUARY 31, 1995:

RUSSELL WAYNE ALLEN
1112 Trinity Drive
Benbrook, Texas 76126

Mr. Allen will be replacing Henry Thomae, Sr., of San Benito, whose term expired.

TO BE MEMBERS OF THE TEXAS STATE BOARD OF PUBLIC
ACCOUNTANCY, FOR TERMS TO EXPIRE JANUARY 31, 1995:

STANLEY L. BLEND
16427 Axis Trail
San Antonio, Texas 78232

Mr. Blend will be replacing Barbara Shimaitis of Katy, whose term expired.

RONNIE RUDD
2121 Pelham
Houston, Texas 77019

Mr. Rudd will be replacing Oscar C. Mascorro of San Antonio, whose term expired.

TO BE A MEMBER OF THE TEXAS BOARD OF ARCHITECTURAL
EXAMINERS, FOR A TERM TO EXPIRE JANUARY 31, 1995:

GEORGE RAY RODGERS
301 Hughes Street
Marshall, Texas 75670

Mr. Rodgers will be replacing James E. Buie of Longview, whose term expired.

TO BE MEMBERS OF THE TEXAS BOARD ON AGING, FOR TERMS TO
EXPIRE FEBRUARY 1, 1995:

MARGARET W. CARTER LUCKIE
511 Lazy Lane
Wharton, Texas 77488

Ms. Luckie will be replacing Floyd C. Burnett of Ladonia, whose term expired.

JAN PATTERSON
9854 Estate Lane
Dallas, Texas 75238

Mrs. Patterson will be replacing Eustolio Gonzales of Raymondville, whose term expired.

TO BE A MEMBER OF THE TEXAS BOARD OF LICENSURE FOR
NURSING HOME ADMINISTRATORS, FOR A TERM TO EXPIRE
JANUARY 31, 1995:

HERMAN D. SABRSULA
12527 Meadow Lake Drive
Houston, Texas 77077

Mr. Sabrsula is being reappointed.

TO BE A MEMBER OF THE ADVISORY BOARD OF ATHLETIC TRAINERS, FOR A TERM TO EXPIRE JANUARY 31, 1995:

THOMAS D. WILSON, JR.

4230 Parkcrest

Houston, Texas 77034

Mr. Wilson will be replacing Samuel Moore Russell of Lewisville, whose term expired.

TO BE A MEMBER OF THE TEXAS NATIONAL RESEARCH LABORATORY COMMISSION, FOR A TERM TO EXPIRE FEBRUARY 1, 1995:

WARREN G. WOODWARD

3310 Fairmount

Dallas, Texas 75201

Mr. Woodward will be replacing Perry Bass of Fort Worth, whose term expired.

Respectfully submitted,

/s/W. P. Clements, Jr.

William P. Clements, Jr.

Governor of Texas

HOUSE CONCURRENT RESOLUTION 114 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading:

H.C.R. 114. Encouraging State agencies, institutions and political subdivisions to maximize their participation in the State Use Program.

The resolution was read second time and was adopted viva voce vote.

GUESTS PRESENTED

Senator Brooks introduced a large group of guests seated in the Senate Gallery. These guests represented sheltered workshop workers and professionals operating the workshops.

Senator Brooks also introduced the following guests: Representative Erwin Barton; Artie Lee Hindes, Chairman of the Board of Texas Industries for the Blind and Handicapped; Lyndal Remmert, President of Texas Industries for the Blind; Gibson Duterroil, Chairman of the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons.

The Senate welcomed these distinguished guests.

COMMITTEE SUBSTITUTE SENATE BILL 222 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.B. 222. Appropriating money for the support of the Judicial, Executive and Legislative Branches of the State Government, for the construction of State buildings, and for State aid to public junior colleges, for the period beginning September 1, 1989 and ending August 31, 1991, authorizing and prescribing conditions, limitations, rules and procedures for allocating and expending the appropriated funds; and declaring an emergency.

The bill was read second time.

Senator Caperton offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 222, page III-97, as follows:

	For the years Ending	
	August 31,	August 31,
	1990	1991
8.c. Sam Rayburn Public Affairs Symposium	\$13,200	\$13,200

EXPLANATION:

This program was funded at the level noted above for 1988-89 but funding was deleted by the LBB for the 1990-91 biennium. The symposium provides an annual forum for discussions on public affairs issues (e.g. public education funding is the topic for symposium 1989) bringing in experts from around the country.

The amendment was read and was adopted viva voce vote.

Senator Caperton offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 222, Rider #20, page III-44, as follows:

20. REAPPROPRIATION OF 1986-87 BALANCES TO ALAMO COMMUNITY COLLEGE. The balance of appropriations made to Palo Alto College of the Alamo College District for the 1986-87 biennium is reappropriated for the 1990-91 biennium to be applied to contact hours earned above the 1988-89 and 1990-91 base periods used for funding. The State Auditor shall determine the actual number of contact hours earned in each fiscal year above the number of hours used in each funding base period. Based upon this determination, the actual hours earned in excess of that base period shall be applied to the total reappropriated amount. This computation shall be based on contact hour rates used in the period in which the hours were earned. In no instance shall the total disbursement for the biennium be greater than the amount appropriated to Alamo Community College District.

Add a new Rider #22, page III-44, as follows:

22. REAPPROPRIATION OF 1986-87 BALANCES TO NORTHEAST COMMUNITY COLLEGE. The balance from appropriations made to the Northeast Texas Community College District for the 1986-87 biennium is reappropriated for the 1990-91 biennium to be applied to contact hours earned above the original base period estimate. The State Auditor shall determine the actual number of contact hours earned in 1988, 1989, 1990 and 1991. Based upon this determination, the actual contact hours earned above the actual 1986-87 base period contact hours shall be applied to the reappropriated amount. This computation is based on current contact hour rates (1988-89 biennium) and on total contact hours earned without regard to whether they constitute academic or vocational technical hours. In no instance shall the total disbursement for the biennium be greater than the amount appropriated to the Northeast Texas Community College District.

The amendment was read and was adopted viva voce vote.

Senator Caperton offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 222, page II-24, as follows:

Add new Rider #43, as follows:

43. DISTRIBUTION OF FUNDS: The formulae for distribution of funds among the department's regions shall contain only criteria that are directly related to client base, economic, and geographic factors. The department shall report to the Legislative Budget Office and the Governor's Office of Budget and Planning by January 1, 1990 detailing how its funding formulas meet these criteria.

EXPLANATION:

TDH currently uses previous years' allocations as the primary criterion in determining funding for the current year for each region.

Parity of funding among the regions is not achieved when such criteria are used. As a result, some regions received a lesser amount of services or a lower reimbursement rate.

This rider will ensure that every region will receive funding based on a fair assessment of its needs and will not be underfunded because a region's needs have exceeded its historical funding allocations.

The report will ensure that the Legislature is informed about what TDH is doing to bring its funding allocations into line with this directive.

The amendment was read and was adopted viva voce vote.

Senator Caperton offered the following amendment to the bill:

Floor Amendment No. 4

Amend C.S.S.B. 222 by substituting the following rider provision on page I-14 in appropriations to the Department of Agriculture:

19. **URANIUM CONTAMINATION STUDY APPROPRIATION.** Out of the amounts appropriated above in Item 2.c., Regulatory Operations, Consumer Services, \$125,000 each year of the biennium is hereby appropriated for a comprehensive analysis of the agriculture and rural impacts of uranium mining, milling, and waste storage. The study should address such areas as the extent of any soil and water contamination, uptake of radionuclides by crops and livestock, human effects of exposure to the radiation through the food chain, and effects on land use, agricultural practices, and nearby rural communities. The study shall be conducted in cooperation with the Department of Health and the Texas Water Commission.

The amendment was read and was adopted viva voce vote.

Senator Caperton offered the following amendment to the bill:

Floor Amendment No. 5

Amend C.S.S.B. 222 as follows:

The Texas Water Development Board is authorized to issue and sell up to \$50,000,000 in state participation bonds as authorized by Texas Water Code sec. 17.072 and Article 3, sec. 49-d-2, of the Texas Constitution each year of the biennium beginning September 1, 1989.

The amendment was read and was adopted viva voce vote.

Senator Washington offered the following amendment to the bill:

Floor Amendment No. 6

Amend C.S.S.B. 222 by adding the following rider on page III-50.

Proposed Rider for the Texas Resource Center

(To be inserted below the appropriation for the University of Texas at Austin.)

In addition to the funds appropriated above, \$200,000 for each year of the biennium ending August 31, 1991 is appropriated from the general revenue for the purpose of providing a grant to the Texas Appellate Practice and Educational Resource Center to obtain matching funds for providing appellate representation for indigent death row inmates.

The amendment was read.

On motion of Senator Caperton, the amendment was tabled by the following vote: Yeas 24, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Caperton, Carriker, Dickson, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, McFarland, Montford, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Whitmire, Zaffirini.

Nays: Brown, Edwards, Washington.

Absent: Truan, Uribe.

Absent-excused: Lyon, Parker.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 222 ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 222 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent: Truan, Uribe.

Absent-excused: Lyon, Parker.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent: Truan, Uribe.

Absent-excused: Lyon, Parker.

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 24 ON SECOND READING**

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.J.R. 24, Proposing a constitutional amendment providing for the issuance of general obligation bonds for acquiring, constructing, or equipping

corrections institutions, youth corrections institutions, and mental health and mental retardation institutions. (Submitted as an emergency matter by the Governor)

The resolution was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 24 ON THIRD READING**

Senator McFarland moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.J.R. 24** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent: Truan, Uribe.

Absent-excused: Lyon, Parker.

The resolution was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent: Truan, Uribe.

Absent-excused: Lyon, Parker.

**COMMITTEE SUBSTITUTE
SENATE BILL 558 ON SECOND READING**

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 558, Relating to the issuance of general obligation bonds for projects relating to corrections institutions, youth corrections institutions, and mental health and mental retardation institutions. (Submitted by Governor as an emergency matter)

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 558 ON THIRD READING**

Senator McFarland moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 558** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent: Truan, Uribe.

Absent-excused: Lyon, Parker.

The bill was read third time and was passed viva voce vote.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Santiesteban and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Natural Resources might consider **H.B. 1035** today at 2:30 p.m.

**NOTICE OF SESSION TO HOLD
LOCAL AND UNCONTESTED BILLS CALENDAR**

Senator Sims announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held at 8:00 a.m. tomorrow and that all bills would be considered on second reading in the order in which they are listed.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Edwards gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

CONGRATULATORY RESOLUTIONS

H.C.R. 145 - (McFarland): Designating the week of April 10-14, 1989, as Crime Victims' Rights Week.

S.C.R. 114 - By Uribe: Declaring the Confederate Air Force to be the official air force of the State of Texas.

S.R. 421 - By Haley: Extending congratulations to Chief Robert Fulton Battise on his 80th birthday.

S.R. 423 - By Zaffirini: Extending congratulations to Mr. and Mrs. Travis O. Box of Carrizo Springs on their 40th wedding anniversary.

S.R. 424 - By Brown: Commending Walter Erickson for his commitment to living life to the fullest.

RECESS

On motion of Senator Brooks, the Senate at 1:26 p.m. took recess until 8:00 a.m. tomorrow.

**In Memory
of
Grady Hazlewood**

Senator Brooks offered the following resolution:

(Senate Concurrent Resolution 116)

WHEREAS, The Legislature of the State of Texas joins with the citizens of Amarillo and Texas in mourning the loss of a most valued and respected citizen, Senator Grady Hazlewood, who died April 1, 1989, at the age of 87; and

WHEREAS, Senator Hazlewood was a conservative Democrat whose political career spanned four decades; and

WHEREAS, Born in the now ghost town of Old Fort Chadbourne, he moved at an early age with his family to a farm near Canyon; and

WHEREAS, A graduate of West Texas State Teachers College, he received his law degree from The University of Texas and returned to Amarillo to practice law; and

WHEREAS, In 1940 he succeeded Clint Small, Sr., in the Texas Senate where he remained undefeated and relatively unchallenged until his retirement in 1970; and

WHEREAS, During his 30-year tenure in the Senate, Senator Hazlewood gained a reputation as a tough but fair advocate who was very plain-spoken in debate and very forcefully outspoken concerning his legislation; and

WHEREAS, He is remembered for his country-boy demeanor and the political wiliness that earned him the nickname "Old Gray Fox," and was well-liked by his fellow members; and

WHEREAS, This distinguished gentleman served with honor and distinction as a member of the Texas Senate, and he will be remembered for his significant accomplishments on behalf of the citizens of his beloved state; and

WHEREAS, He cosponsored the first state program to offer low-interest state loans to Texas college students, the Hinson-Hazlewood Program, which survives today; and

WHEREAS, Throughout his long career he served the people of his district with resolute determination and devoted service; and

WHEREAS, He authored the bill to make West Texas State Teachers College a full-fledged university and later served as its regent; and

WHEREAS, Among his many contributions to his area were the creation of Lake Meredith, farm-to-market road programs, the Panhandle-Plains Historical Museum, and the creation of hospital districts; now, therefore, be it

RESOLVED, That on this day the 71st Legislature of the State of Texas honor the memory of Senator Grady Hazlewood for his many distinguished services to his state and extend sympathy to his wife, Andrine Smith Hazlewood, to whom he was married 62 years; and, be it further

RESOLVED, That a copy of this resolution be prepared as a token of deepest respect and highest regard from the Texas Legislature, and that when the legislature adjourns this day, it do so in memory of the Honorable Grady Hazlewood.

BROOKS
BIVINS
HARRIS

The resolution was read.

On motion of Senator Harris and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

FORTY-SECOND DAY

(Continued)

(Thursday, April 13, 1989)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Sims.

SENATOR ANNOUNCED PRESENT

Senator Lyon who had previously been recorded as "Absent-excused" was announced "Present."

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Sims in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

Pursuant to Senate Rule 9.03(d), the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time and passed: (Vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill.)

C.S.S.B. 207 (Brooks) Relating to the regulation of vehicle storage facilities; providing penalties. (28-2) Washington, Glasgow "Nay" (29-1) Glasgow "Nay"

S.B. 224 (Krier) Relating to written material that state law requires to be set out in boldface or boldfaced print. (29-1) Washington "Nay" (30-0)

S.B. 247 (Krier) Relating to the jurisdiction of the county courts at law of Bexar County. (29-1) Washington "Nay" (30-0)

C.S.S.B. 396 (Krier) Relating to the transfer of gifts to individuals under the age of 21 years. (29-1) Washington "Nay" (30-0)

C.S.S.B. 400 (Krier) Relating to personal property exempt from seizure. (29-1) Washington "Nay" (30-0)

C.S.S.B. 620 (Montford) Relating to the sale of alcoholic beverages at certain airports. (29-1) Washington "Nay" (30-0)

C.S.S.B. 622 (Johnson) Relating to mandatory continuing education for registered nurses and licensed vocational nurses. (29-1) Washington "Nay" (30-0)

C.S.S.B. 690 (Green) Relating to grievance procedures in certain municipalities. (29-1) Washington "Nay" (30-0)

S.B. 736 (Armbrister) Relating to the training of certain peace officers. (29-1) Washington "Nay" (30-0)

S.B. 779 (Caperton) Relating to the continuation of the County Court at Law of Austin County. (29-1) Washington "Nay" (30-0)

C.S.S.B. 784 (Sims) Relating to the delivery of free wine for certain purposes by the holder of a winery permit. (29-1) Washington "Nay" (30-0)

S.B. 815 (Leedom) Relating to participation and payment of certain premiums by state employees in cafeteria plan insurance coverage. (29-1) Washington "Nay" (30-0)

S.B. 839 (Dickson) Relating to the inspection of certain juvenile files and records. (29-1) Washington "Nay" (30-0)

S.B. 844 (Brooks) Relating to the authority of the board of a harbor and port facility to employ public security officers. (29-1) Washington "Nay" (30-0)

S.B. 873 (Caperton) Relating to the Texas Engineering Experiment Station. (29-1) Washington "Nay" (30-0)

C.S.S.B. 889 (Whitmire) Relating to the determination of fair market value for certain real property interests dedicated or conveyed by a political subdivision. (29-1) Washington "Nay" (30-0)

S.B. 921 (Green) Relating to residence of inmates of the Texas Department of Corrections for educational purposes. (29-1) Washington "Nay" (30-0)

S.B. 970 (Henderson) Relating to the duration of certain leases made by certain municipalities. (29-1) Washington "Nay" (30-0)

S.B. 1006 (Johnson) Relating to certain employees of a county civil service system. (29-1) Washington "Nay" (30-0)

S.B. 1060 (Henderson) Relating to the authority of a person to stand in a roadway to solicit charitable contributions. (29-1) Washington "Nay" (30-0)

S.B. 1093 (Brooks) Relating to the boards of directors of drainage districts in Galveston County. (29-1) Washington "Nay" (30-0)

S.B. 1133 (Brown) Relating to the use of certain funds dedicated to the compensation of crime victims. (29-1) Washington "Nay" (30-0)

S.B. 1142 (Leedom) Relating to the transferability of certain amounts appropriated to the State Pension Review Board. (29-1) Washington "Nay" (30-0)

S.B. 1287 (Tejeda) Relating to part-time juvenile law masters for the 289th District Court in Bexar County. (29-1) Washington "Nay" (30-0)

C.S.S.B. 1307 (Montford) Relating to authorizing mass transit departments in certain cities to issue bonds and notes for the construction, reconstruction or maintenance of municipal streets and to expend sales tax funds for such purposes. (29-1) Washington "Nay" (30-0)

C.S.S.B. 1400 (Armbrister) Relating to programs to achieve conservation of electric energy. (29-1) Washington "Nay" (30-0)

S.B. 1445 (Sims) Relating to the increase of the fee required of garagekeepers when reporting an abandoned vehicle in their possession to a police department. (29-1) Washington "Nay" (30-0)

S.B. 1568 (Sims) Relating to the renaming of the Public Interest Advocate and the Office of Public Interest of the Texas Water Commission. (29-1) Washington "Nay" (30-0)

H.B. 618 (Bivins) Relating to the creation of the Lamb County Hospital District. (29-1) Washington "Nay" (30-0)

C.S.H.B. 1467 (Bivins) Relating to the creation of the Muleshoe Area Hospital District. (29-1) Washington "Nay" (30-0)

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Sims in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 8:18 a.m. adjourned until 11:00 a.m. today.